

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FRANK LIU,

Plaintiff,

v.

CITY OF RENO and SCOTT GAUTHIER,

Defendants.

Case No. 3:22-CV-00551-CLB

**ORDER DENYING PLAINTIFF'S LETTER
FOR ENE OR SETTLEMENT
CONFERENCE**

[ECF No. 32]

This case involves a civil rights action filed by Plaintiff Frank Liu ("Liu") against Defendants City of Reno ("Reno") and Scott Gauthier ("Gauthier") (collectively referred to as "Defendants"). Currently pending before the Court is Liu's "Letter to Judge Baldwin Requesting 'Early Neutral Evaluation' or Settlement Conference." (ECF No. 32.) No response was filed. For the reasons stated below, the Court denies Liu's letter requesting Early Neutral Evaluation or Settlement Conference.

On August 7, 2023, Liu filed document entitled a "Letter to Judge Baldwin Requesting 'Early Neutral Evaluation' or Settlement Conference."¹ (ECF No. 32.) In the filing, Liu asks that the Court grant an ENE, which the parties requested in their joint discovery plan. (*Id.* at 3.) Defendants did not respond. Pursuant to LR 16-6(a), the Court's ENE program is reserved for all "employment-discrimination" actions, which include actions filed under 42 U.S.C. § 1983, *but only when the complaint alleges discrimination in employment* on the basis of race, color, gender, national origin, or religion. LR 16-6(a). If a suit is not initially assigned to the ENE program, a party must file a notice stating the

¹ Although Liu's filing was entered onto the Court's electronic filing system as a motion, it is properly categorized as a letter. The Court reminds Liu that "[p]arties must **not** file 'notices' or 'letters' with the Court unless it is to notify the Court of procedural changes such as changes of address or notices of a change in counsel. Parties must not use notices or letters to ask the Court to rule on a motion. A request for the Court to rule on something must be filed as a motion. GO 2021-05, § 3(d). The Court warns Liu that further improperly filed "notices" or "letters" will be stricken from the docket. *Id.*

1 action falls into one or more of the statutes listed in LR 16-6(a). LR 16-6(b). The instant
2 suit does not fall under any of the statutes listed and is therefore not eligible for the ENE
3 program. Additionally, the mere request for a settlement conference in a discovery plan
4 is insufficient to expect the Court to set a settlement conference. If the parties would like
5 a settlement conference, the parties are directed to file a properly supported motion or
6 stipulation requesting one.

7 **IT IS THEREFORE ORDERED** that Liu's letter requesting an ENE or settlement
8 conference, (ECF No. 32), is **DENIED**.

9 **IT IS SO ORDERED.**

10 **DATED:** August 22, 2023.

11 
12 **UNITED STATES MAGISTRATE JUDGE**